

DD/A Registry

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

DD/A REGISTRY

FILE: 82-1040-13

General Counsel

OGC 82-04012
22 April 1982

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This letter will supplement our telephonic response to your request for comments on the draft legislation "Confidentiality of Federal Statistical Records Act."

The Central Intelligence Agency has no objection to this legislation insofar as it embodies the concept of increased protection for individually identifiable statistical information gathered by federal statistical agencies, and insofar as it permits federal statistical agencies to share such information among themselves more freely as needed. Our concern is to avoid any adverse impact which the legislation could have on the national intelligence mission or the agencies in the Intelligence Community. In its present form, the proposed legislation does not appear to address or affect that mission or those agencies. Accordingly, we wish to withdraw the objections to sections 109(e) and 112 of the legislation which were noted in our initial telephonic response.

We are concerned, however, that the proposed legislation could have an unintended inimical effect on intelligence information in the files of a federal statistical agency. In order to prevent such a result and to clarify the protection which the proposal accords intelligence and foreign policy information, we suggest that section 110(f) be amended as follows:

Should the originating agency refuse to disclose the requested individually identifiable records, the requesting agency may appeal to the Chief Statistician for a determination of the need for the requested records. The Chief Statistician ~~may~~ shall not require the disclosure if:

* * *

~~(6) -the-disclosure-is-prohibited-by-statute-in-~~
~~-the-interest-of-national-security-or-foreign-policy.~~

the head of the originating agency or his
designee certifies that the information is
protected from disclosure by statute or is
classified pursuant to Executive order in the
interest of national security or foreign policy.

We appreciate the opportunity to comment on this legislative proposal, and we would like to be kept informed as it proceeds through the revision process.

Sincerely,

SIGNED

Stanley Sporkin

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FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)